

YEAR END STATISTICS

CHAPTER 5

The Office of the Independent Police Auditor (IPA) and the Professional Standards and Conduct Unit (PSCU), are forums which are available to the public, to make inquiries and to file complaints against members of the San José Police Department (SJPD).

COMPLAINT CLASSIFICATIONS

There are four types of classifications: Formal, Informal, Policy and Procedural. Formal complaints may be citizen-initiated (CI) or department-initiated (DI), which are complaints initiated by the Chief of Police. An Informal complaint involves allegations of minor transgressions. An Informal complaint is handled by bringing the matter to the attention of the subject officer's supervisor. A Policy complaint relates to an established policy, properly employed by the officer, which the complainant believes to be inappropriate or invalid. A Procedural complaint is a complaint

lacking a factual basis to support the allegation of misconduct. The complaints that have been initiated, but not yet classified are called In-Process.

INQUIRY

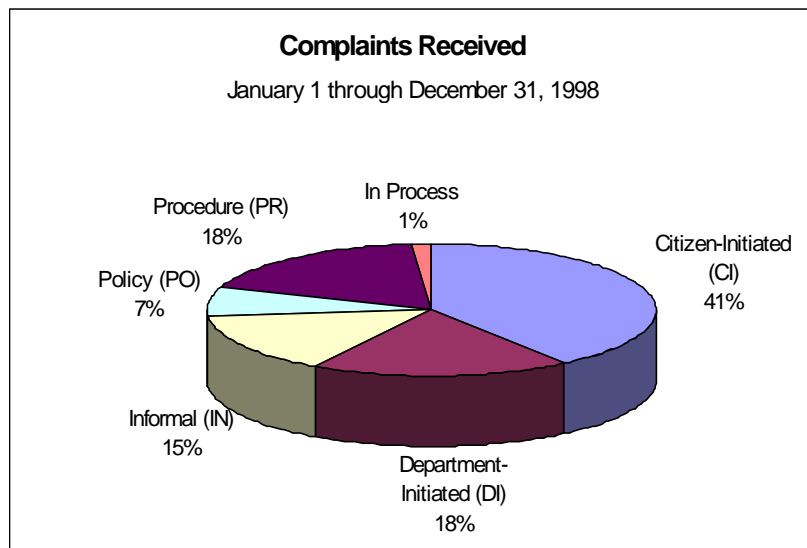
Inquiry refers to any contact with a citizen⁴ in reference to any issue of concern that is immediately resolved to the satisfaction of the citizen, which does not give rise to a complaint. Any concern that is not immediately resolved to their satisfaction, can become a complaint. For example, a complainant calls about a traffic citation he/she has received. The complainant questions the officer's authority to cite the traffic violation. It is explained by the PSCU investigator to the complainant that the officer has the discretion on whether or not to issue the citation for the violation and that the appropriate form to address the issue in question would be traffic court. The complainant then brings his/her issues to the judge.

From Chapter Five through Chapter Ten, the IPA reported the year end statistics of complaints in various ways that may be of interest to the public, the Mayor, and the City Council members. The IPA's analysis is only statistical and not interpretive. There are too many factors to conclusively deduce results from the data.

4 Citizen complaint is denoted as a complaint filed by an individual, not reflective of U.S. citizenship.

Illustration #1: Complaints by Classification

Type of Complaints	IPA Intake	PSCU Intake	Total Cases
Formal: Citizen-Initiated (CI)	60	86	146
Formal: Department-Initiated (DI)	0	67	67
Informal (IN)	15	40	55
Policy (PO)	18	7	25
Procedure (PR)	25	41	66
In-Process	3	2	5
Total Cases	121	243	364

Illustration #2: Percentage of Complaints Received by Classification**Illustration #3: Three Year Analysis of IPA Intake**

Intake Received	Time Period		
	1996	1997	1998
IPA Cases	154	127	121
PSCU Cases	453	319	243
Total Cases Received	607	446	364
Percentage of IPA Received	29%	34%	41%

(Note: The percentage of the intake conducted by the IPA excludes the Formal DI cases.)

There were a total of 741 contacts made with the public at either the PSCU or the IPA offices from January 1 through December 31, 1998. Of the 741 contacts, three hundred and seventy-seven (377) became inquiries: 122 of which were initiated at the IPA and 255 at the PSCU; three hundred and fifty-nine (359) complaints were classified; and five (5) are In-Process. Illustration No. 1 and No. 2 breakdown the complaints by classification based on data gathered by the IPA as of December 31, 1998.

Overall, the IPA received 41% of the total complaints filed during this reporting period.⁵ Illustration No. 3 indicates the number of complaints received each year has decreased, but the percentage of intake received by the IPA as compared to the PSCU has increased. Please note that the percentage was calculated by excluding the number of Formal DI cases, which can only be initiated by the Chief of Police.

⁵ Since only the PSCU can initiate Formal DI cases, the Total Cases, excluding Formal DI cases, is 297. The percentage of the intake by the IPA is calculated by dividing 121 by 297, which equals 41%. Data was rounded off to the nearest percentage.

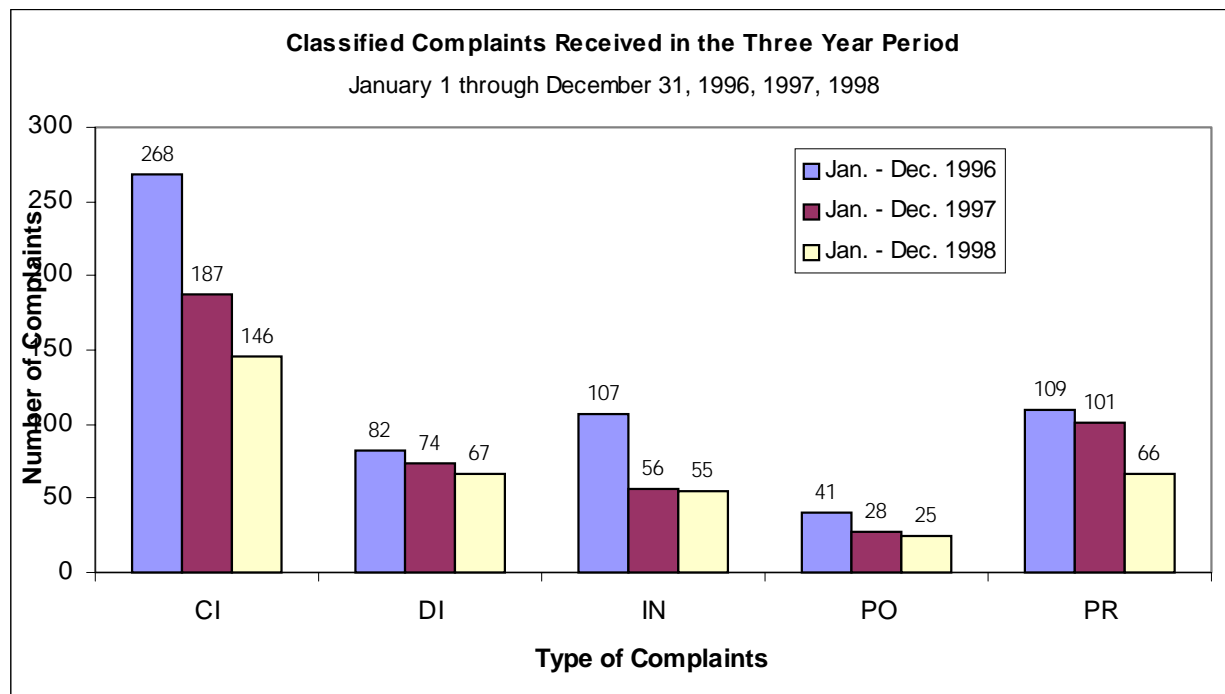
Illustration #4: Three Year Analysis of Complaints by Classification

Illustration No. 4 depicts the change in the different types of classified complaints received in the three year periods of January 1 through December 31, 1996, 1997, and 1998. The chart shows a decline in all types of complaints from the previous two years.

1996 Complaints = 607	1997 Complaints = 446	1998 Complaints = 359
Formal: CI = Citizen-Initiated & DI = Department-Initiated, IN = Informal, PO = Policy, PR = Procedural		

TIME TO CLASSIFY AND COMPLETE ALL INVESTIGATIONS

The Professional Standards and Conduct Unit (PSCU) is responsible for classifying all complaints. The time to classify a complaint is determined by the number of days it takes from the date the complaint is received to the date when the complaint is assigned to a PSCU investigator. The goal is to have all complaints classied within 30 days.

Time to classify

Number of days from the Received Date to the Assigned Date.

Time to investigate

Number of days from the Assigned Date to the Closed Date.

- ♦ Lack of signature on the Boland Admonishment,⁶
- ♦ Officer resigned from the SJPd before the investigation was completed,
- ♦ Complainant was uncooperative,
- ♦ Complainant withdrew the complaint,
- ♦ Unable to contact complainant or witness, or
- ♦ The identity of the officer could not be determined.

INVESTIGATIVE GOALS

The length of time to complete an investigation is calculated by the number of days it takes from the assigned date of the complaint until the investigation is completed. A case is considered closed when a finding is made or when no finding is possible for one of the following reasons:

The goal is for an investigator to complete an investigation within 365 days, except in cases where a Class I Unnecessary Force⁷ allegation is involved. The goal for Class I use of force cases is to have the investigation completed within 180 days.

⁶ State law requires that the complainant sign the Boland Admonishment form in order to have the complaint fully investigated.

⁷ In the 1996 Year End Report, the IPA implemented new goals for alleged use of force complaints. The use of force complaints are divided into two categories: Class I and Class II. Class I use of force cases will involve those complaints in which the complainant required medical assistance for their injuries. It is anticipated that prioritizing these cases will expedite the investigative process while ensuring that evidence is preserved and witnesses are contacted in a more timely manner. The intent of this classification is to resolve serious use of force cases within 180 days. Class II cases will include those complaints in which the complainant did not require medical care. These Class II cases and all other cases will be expected to close within 365 days.

Illustration #5: Complaints Classified and Completed

Time Period	Total Cases	Goal	Achieved Goal	%
Received between Jan. 1 - Dec. 31, 1998	359	Classify all complaints within 30 days	336	94%
Closed between Jan. 1 - Dec. 31, 1998	38	Complete UF Class I cases within 180 days	21	55%
Closed between Jan. 1 - Dec. 31, 1998	454	Complete all investigations within 365 days	396	87%

Illustration No. 5 presents data for complete all investigations within 365 days has improved by one percent. However, the goal to complete UF Class I cases within 180 days significantly improved by 20%, while commendable, did not meet the required goal.

classified and completed complaints. The classified complaints are based on cases **received** between January 1 and December 31, 1998. The completed complaints are based on cases **closed** between January 1 and December 31, 1998.

In comparison to last year, the goal to classify all complaints within 30 days was closer by four percent. Also, the goal to

***New Investigative Goal
to take effect in 1999***

Beginning January 1, 1999, the goal to complete all investigations will be reduced from 365 to 300 days. This goal was recommended in the 1997 Year End Report and adopted by the San José Police Department (SJPD).

